

# WILLKIE FARR & GALLAGHER<sub>LLP</sub>

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September 26, 2024

## VIA ECF

Hon. Lewis J. Liman  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: Freeman v. Giuliani, No. 24-mc-353 (LJL); Freeman v. Giuliani, No. 24-cv-6563 (LJL)

Dear Judge Liman:

Plaintiffs Ruby Freeman and Wandrea' Moss ("Plaintiffs") respectfully submit this response to Defendant's letter dated September 26, 2024. (ECF No. 28 in 24-mc-353; ECF No. 24 in 24-cv-6563). Counsel for Plaintiffs will be prepared at tomorrow's hearing to respond to the substance of Mr. Giuliani's letter and to address the issues raised in the Court's Order entered earlier today.

In the interest of correcting the record, however, Plaintiffs respectfully submit a true and correct copy of the correspondence between Plaintiffs' counsel and Mr. Giuliani's counsel regarding the matters discussed in Mr. Giuliani's letter, dating back to September 17, 2024, when Mr. Caruso first informed Plaintiffs' counsel that he had been retained to represent Mr. Giuliani in connection with these proceedings, and through Mr. Caruso's final communication to Plaintiffs' counsel before filing his letter. *See Exhibit A.*<sup>1</sup>

Respectfully submitted,

s/ Aaron E. Nathan

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<sup>1</sup> Certain messages in the attached email chain were marked "FRE 408." However, FRE 408 is inapplicable to those messages because (1) they do not involve "compromise negotiations" with respect to any party's "claim" within the meaning of the Rule; (2) they are not offered here to "prove or disprove the validity or amount of a disputed claim or to impeach by a prior inconsistent statement or a contradiction;" and (3) any privilege over those messages was waived when Mr. Giuliani's counsel purported to disclose and characterize their contents in his letter to the Court. *See Fed. R. Evid. 408.*